

Application No.: 10/630,562
Response dated October 3, 2006
Reply to Final Office Action of August 17, 2006
Docket No.: 760-12 DIV/CON
Page 2

Remarks/Arguments:

Introduction

Claims 1-13 are pending. Claims 2, 4, 5 and 9-11 are withdrawn from consideration.

Section 102 Rejections

Claims 1, 3, 6-8, 12, and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,264,684 to Banas et al. (hereinafter “Banas”). Applicant respectfully traverses.

The present invention as presently set forth in independent claim 1 is directed to a stent/graft composite device. The stent/graft composite device is formed from a flat preformed planar strip and stent assembly, which comprises an elongate preformed non-textile planar strip of polymeric graft material having first and second opposed surfaces and a planar stent attached onto one of said opposed flat surfaces of said strip to form said flat strip assembly, said strip assembly being helically wound into a continuous tubular structure.

Banas fails to disclose, *inter alia*, a planar stent attached onto one of two opposed surfaces of a planar strip of graft material. In Figures 2 and 3 of Banas specifically depicts a stent member 11 being disposed within a polymeric cladding 14. The polymeric-clad stent member 11, 14 is specifically depicted as being disposed within a tubular substrate 12. Thus, the polymeric-clad stent member 11, 14 is not disposed onto either of the opposed surfaces of the tubular substrate 12. Further, in a similar fashion the stent member 11 is not disposed onto either of the opposed surfaces of the polymeric cladding 14. Thus, Figures 1 and 2 and the corresponding specification of Banas fail to disclose the present invention.

Application No.: 10/630,562
Response dated October 3, 2006
Reply to Final Office Action of August 17, 2006
Docket No.: 760-12 DIV/CON
Page 3

In Figures 5 and 6, Banas depicts a polymer clad support wire member 34. The member 34 includes a planar ribbon 38 disposed within a polymeric cladding 36. Thus, again Banas fails to disclose a planar stent member being disposed onto one of the opposed surfaces of the cladding 36. Rather, the ribbon 38 of Banas is disposed within the cladding 36. Thus, Figures 5 and 6 and the corresponding specification of Banas fail to disclose the present invention as set forth in independent claim 1 because the stent member of Banas is disposed within polymeric cladding as contrasted to being disposed onto one of two opposed flat surfaces of a planar cladding strip.

The only disclosure of a stent member in Banas not being fully disposed within a polymeric cladding is Figure 12 and the corresponding description in Banas. The cladding of Figure 12 of Banas is depicted and specifically described as having a “generally triangular cross-sectional shape”. (Banas, Figure 12, and column 10, lines 27-28) Further, the triangularly shaped cladding of Banas further includes a hemispherical recess of at least 180° arc extending into this triangularly shaped cladding. (Banas, column 10, lines 28-33) As Banas depicts and specifically describes its cladding 72 as not only being triangularly shaped, but also having a recess of at least 180° arc, Banas fails to disclose, *inter alia*, a planar strip of graft material having opposed flat surfaces as set forth in independent claim 1 of the subject application. Further, any attempt by the examiner to construe the three-dimensionally shaped cladding 72 as being planar and/or as having opposed flat surfaces is in direct contrast common understanding of such terminology, i.e., planar and/or flat, and is also contrary to the definitions of such terminology specifically provided in paragraph [0058] of the subject application.

Therefore, Banas fails to disclose each of the claimed features of claim 1 of the present invention. Thus, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) of independent claim 1 and all claims dependent therefrom are respectfully requested.

Application No.: 10/630,562
Response dated October 3, 2006
Reply to Final Office Action of August 17, 2006
Docket No.: 760-12 DIV/CON
Page 4

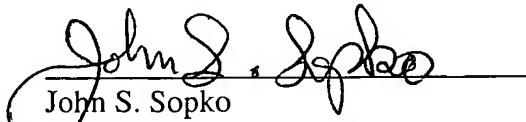
Summary

Therefore, Applicant respectfully submits that independent claim 1, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited. Upon indication of allowable subject matter, re-entry and allowance of the withdrawn claims are respectfully requested.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

While no fee is believed to be due with this response, nevertheless, the Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,


John S. Sopko
Registration No.: 41,321
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700